

CHRONO

OLL85-1470/1  
12 June 1985

MEMORANDUM FOR: General Counsel  
Director, Office of Security  
Chairman, SECOM  
Director, Office of Information Services/DDA  
Chief, Administrative Law Division/OGC  
Chief, Intelligence Community Affairs/OGC

STAT FROM:   
Chief, Legislation Division/OLL

SUBJECT: DoD and DoJ Comments on H.R. 271

1. Attached for your comment and review are DoD and DoJ's draft reports on H.R. 271, Representative Bennett's bill establishing a statutory classification system and providing penalties for unauthorized disclosure of classified information. You will recall that this bill was earlier circulated for comment following the Office of Management and Budget's(OMB) request for Agency views on this proposal. We currently are preparing the Agency response on Representative Bennett's bill which will be available shortly for your review.

2. With respect to the two attached draft reports, DoJ's report on the classification system proposed by Mr. Bennett's bill takes the position that the Executive branch is better equipped than Congress to establish classification criteria and opposes that portion of the bill on this general basis. DoD, on the other hand, states that it has no objection to a statutory classification system and instead has provided very detailed comments on each individual section of the Bennett bill addressing classification. I believe that the Agency should oppose the rigidity and inflexibility that would result from a statutory classification system and should insist that the Executive branch take a uniform position opposing any classification system mandated by Congress which removes needed Executive branch discretion in this area. I would appreciate your comments on this issue.

3. With respect to the leaks portion of the Bennett bill, DOJ, as a general matter, has stated that this type of legislation should be carefully considered by high level

Administration officials before any endorsement of a leaks proposal is made. Justice, in addition, has included a number of arguments against the various affirmative defenses contained in Mr. Bennett's bill. DoD also has a concern with one of these affirmative defenses, although for the most part it defers to DoJ as to the legal sufficiency of the leaks provision contained in the Bennett bill.

4. I would appreciate your comments concerning the attached draft reports by COB, 14 June 1985. If I do not hear from you by this time, I will presume that you have no comments concerning the attached reports. As noted above, our own draft report on the Bennett bill will shortly be sent to you for comment and review.

STAT



Attachments  
as stated

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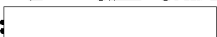
1 - D/OLL

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1 - LEG Subject

1 - SWH/Signer

1 - OLL Chrono (this memo also applies to ACTION #85-1550)

LEG/OLL:  (12 June 1985)

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